## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA HARRISONBURG DIVISION

KEITH S. SLAYDON,	)	
Plaintiff,	)	Civil Action No.: 5:14cv00024
v.	ý	
WATER COUNTRY USA, et al.,	)	By: Hon. Michael F. Urbanski United States District Judge
Defendant.	) )	
	ORDER	

This matter was removed from the Circuit Court of Rockingham County on May 30, 2014, by defendant Seaworld Entertainment ("Seaworld"). Dkt. No. 1. That same day Seaworld filed a Motion to Dismiss for Improper Venue, arguing that venue was improper under 28 U.S.C. § 1391(b). Dkt. No. 4. On June 4, 2014, the court referred this matter to the Honorable Joel C. Hoppe, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B), for proposed findings of fact and a recommended disposition. Dkt. No. 9. The magistrate judge filed a report and recommendation on June 30, 2014, recommending that Seaworld's motion be dismissed. Dkt. No. 13. Specifically, the report and recommendation notes that "[t]he venue of removed actions is governed by 28 U.S.C. § 1441(a),' which 'expressly provides that the proper venue of a removed action is the district court of the United States for the district and division embracing the place where such action is pending." Id. at 2 (quoting Polizzi v. Cowles Magazines, Inc., 345 U.S. 663

No objections to the report and recommendation have been filed, and the court is of the opinion that the report and recommendation should be adopted *in toto*. It is accordingly **ORDERED** and **ADJUDGED** Seaworld's Motion to Dismiss for Improper Venue, Dkt. No. 4, is **DENIED** and that the report and recommendation, Dkt. No. 13, is **ADOPTED** in its entirety.

(1953)).

## Case 4:14-cv-00133-RGD-LRL Document 19 Filed 07/18/14 Page 2 of 2 PageID# 70

The Clerk is directed to send a certified copy of this Order to all counsel of record.

Entered: July 18, 2014

Michael F. Urbanski

United States District Judge

/s/ Michael J. Urbanski